

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Putnam Road, 599' S of the
c/l of Monumental Road
(2033 Putnam Road)
13th Election District
1st Councilmanic District
Patrick S. Malone, et ux
Petitioners
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-487-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1801.2.C. 2.b, and 504 (VB.6.c. of the CMDR) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side window to property line setback of 10 feet in lieu of the minimum required 15 feet, and a facing window separation distance of 21 feet in lieu of the minimum required 40 feet for an existing window in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July, 1991 that the Petition for Residential Variance from Sections 1801.2.C. 2.b, and 504 (VB.6.c. of the CMDR) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side window to property line setback of 10 feet in lieu of the minimum required 15 feet, and a facing window separation distance of 21 feet in lieu of the minimum required 40 feet for an existing window, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If for any reason this Order is reversed, the relief granted shall be rescinded and Petitioners would be required to file a new Petition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 7/31/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 31, 1991

Mr. & Mrs. Patrick S. Malone
2033 Putnam Road
Baltimore, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE
E/S Putnam Road, 599' S of the c/l of Monumental Road
(2033 Putnam Road)
13th Election District - 1st Councilmanic District
Patrick S. Malone, et ux - Petitioners
Case No. 91-487-A

Dear Mr. & Mrs. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at 2033 Putnam Road

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
The condition exists through no fault of our own and has created a terrible inconvenience. It will create additional inconvenience and severe

hardship to require us to remove our window and close off

the wall.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

[Signature]
AFFIANT (Handwritten Signature)

[Signature]
AFFIANT (Printed Name)

[Signature]
AFFIANT (Handwritten Signature)

[Signature]
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of July, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

[Signature]
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

IN WITNESS my hand and Notarial Seal.

DATE

NOTARY PUBLIC

My Commission Expires: 7-1-92

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

June 14, 1991

ZONING DESCRIPTION
LOT 17, MONUMENTAL PARK
2033 PUTNAM ROAD

Beginning at a point on the east side of Putnam Road, being 68 feet wide at a distance of 599 feet more or less, southerly from the centerline of Monumental Road which is 50 feet wide. Being Lot 17 in the subdivision of Monumental Park as recorded in Baltimore County Plat Book E.H.K., Jr. 46, folio 128. Containing 0.096 acres ± also known as 2033 Putnam Road and located in the 13th election district.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting July 2-91
Posted for: Residential Variance
Petitioner: Patrick S. Malone, et ux
Location of property: E/S Putnam Road, 599' S of the c/l of Monumental Road, 2033 Putnam Road
Location of Sign: Along front of 2033 Putnam Road
Remarks: [Blank]
Posted by: [Signature] Date of return: 7-12-91
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 25, 1991

887-3353

Patrick and Diane Malone
2033 Putnam Road
Halethorpe, Maryland 21227

Re: CASE NUMBER: 91-487-A
LOCATION: E/S Putnam Road, 599' S of c/l Monumental Road
2033 Putnam Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 14, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is July 25, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-487-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1801.2.C.2.b., 504 (VB.6.c. CMDR) to allow a side window to property line setback of 10 feet and a facing window separation distance of 21 feet in lieu of the minimum

required 15 feet and 40 feet respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The condition exists through no fault of the petitioners. It would be an unnecessary inconvenience and a disruption of lives to require compliance. It would also be a severe hardship to require the petitioners to remove the window and "close-off" the section of wall.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Patrick S. Malone

(Type or Print Name)

Signature

Diane Menegle Malone

(Type or Print Name)

Signature

2033 Putnam Road 247-6485

Halethorpe, Maryland 21227

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be notified.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 31 day of June, 1991, that the subject matter of this petition be posted on the property on or before the 14th day of July, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 31 day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County at Room 108, County Office Building in Towson, Baltimore County, on the 14th day of July, 1991, at 4:00 o'clock, p.m.

ZONING COMMISSIONER OF BALTIMORE COUNTY

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 27, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: July 2, 1991

This office has no comments for items number 492, 494, 495, 496, 498, 499, 500, 501, 502 and 503.

[Signature]
Rahee J. Famill
Traffic Engineer II

RJP/lvd

JULY 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PATRICK S. MALONE

Location: #2033 PUTNAM ROAD

Item No.: 501 Zoning Agenda: JULY 2, 1991

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Ch. J. M. 7/31/91* Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/KFK

*Rec'd jaw
7/31/91*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for July 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 407-revised, 492, 494, 496, 497, 499, 500, 501, 502 and 503.

For Items 429-revised, a County Review Group Meeting is required.

For Item 272 (Case No. 90-434-SPHA), the previous County Review Group Meeting Comments are still applicable.

For Item 493, a 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad Avenue.

For Item 495, no permanent structures are allowed within the limits of Baltimore County drainage and utility easements.

For Item 498, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Red Lion Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.

Zoning Advisory Committee Meeting July 2, 1991
Page 2

- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plat for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 23.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County standards.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:c

June 6, 1991

The Zoning Commissioner
Baltimore County Zoning Office
Room 113
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

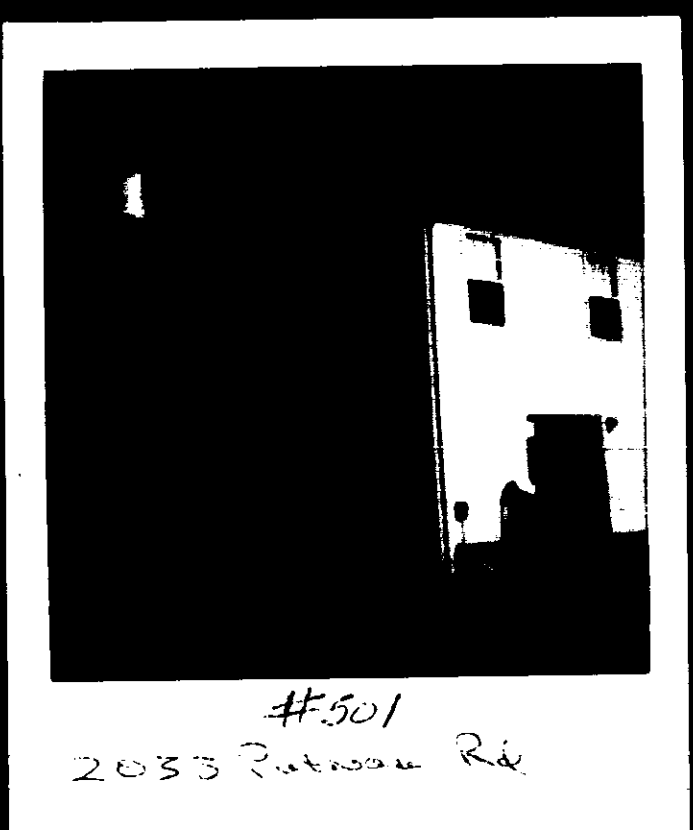
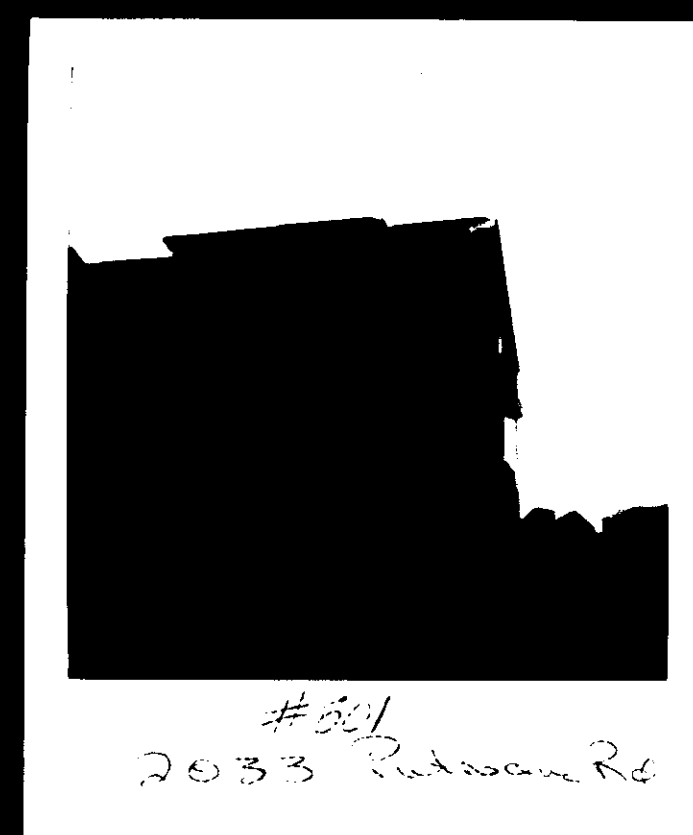
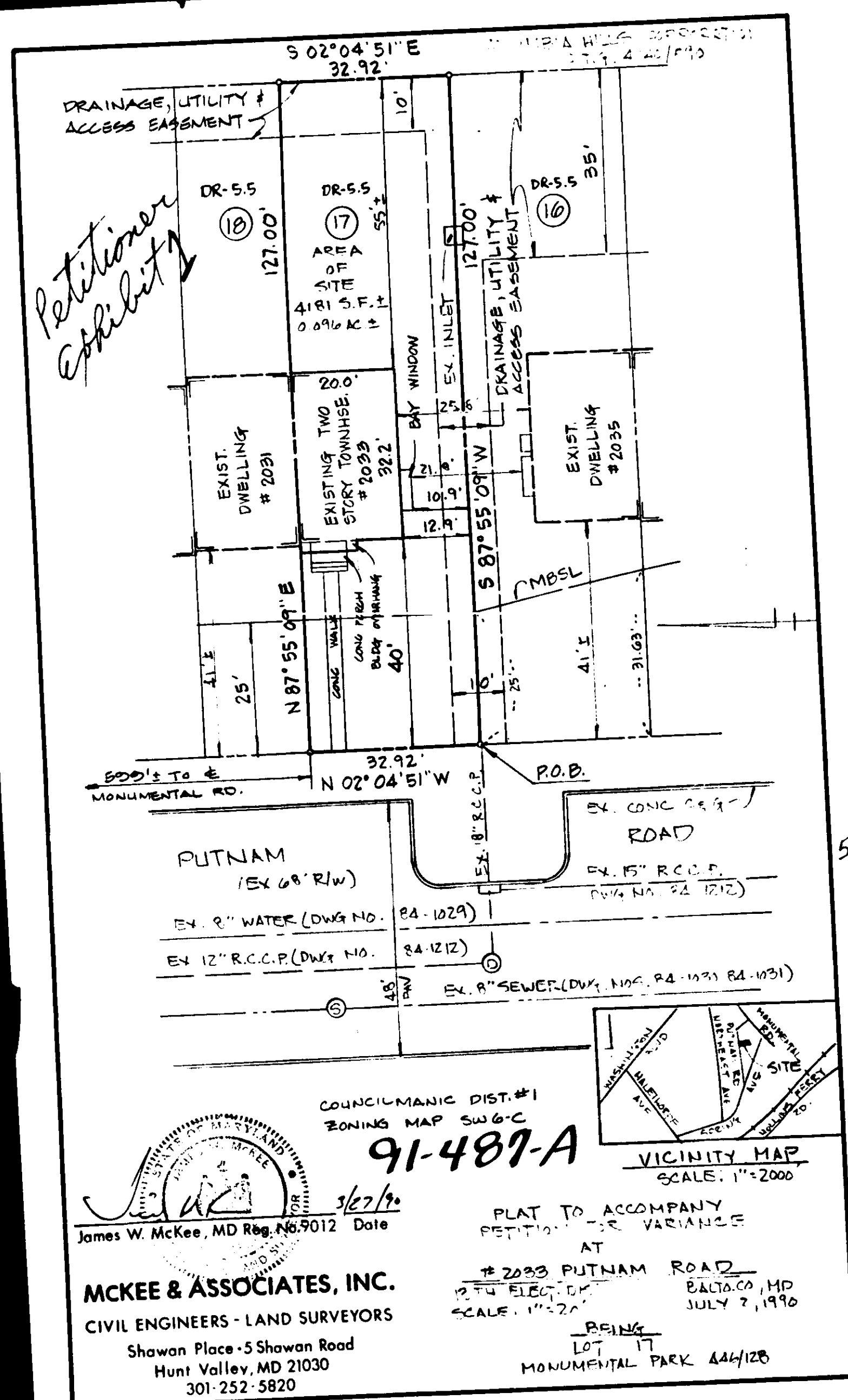
Dear Sir:

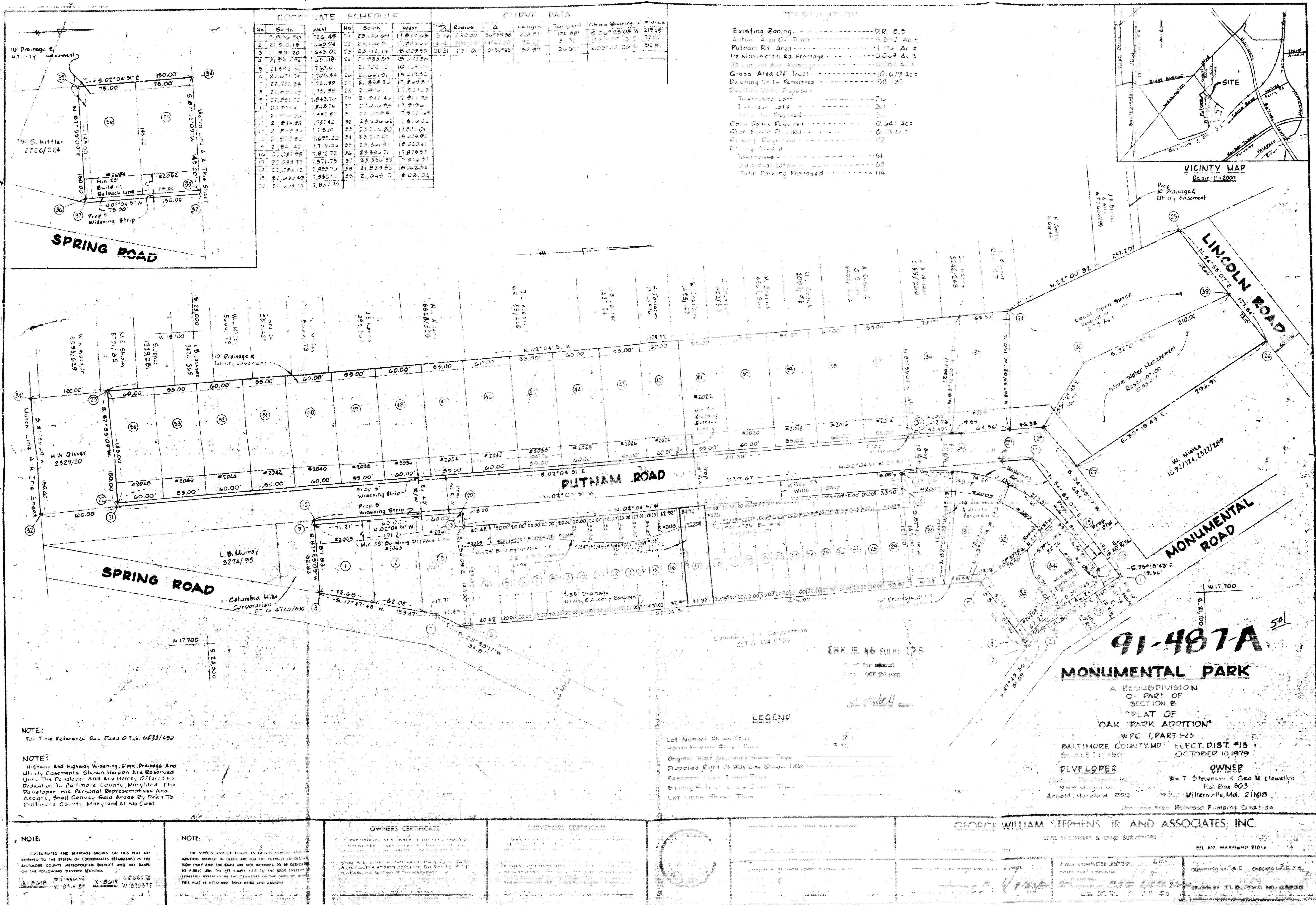
We the undersigned owners of the residence at 2035 Putnam Road wish to offer our support for the variances being requested by the owners of the residence and immediately adjoining lot at 2033 Putnam Road.

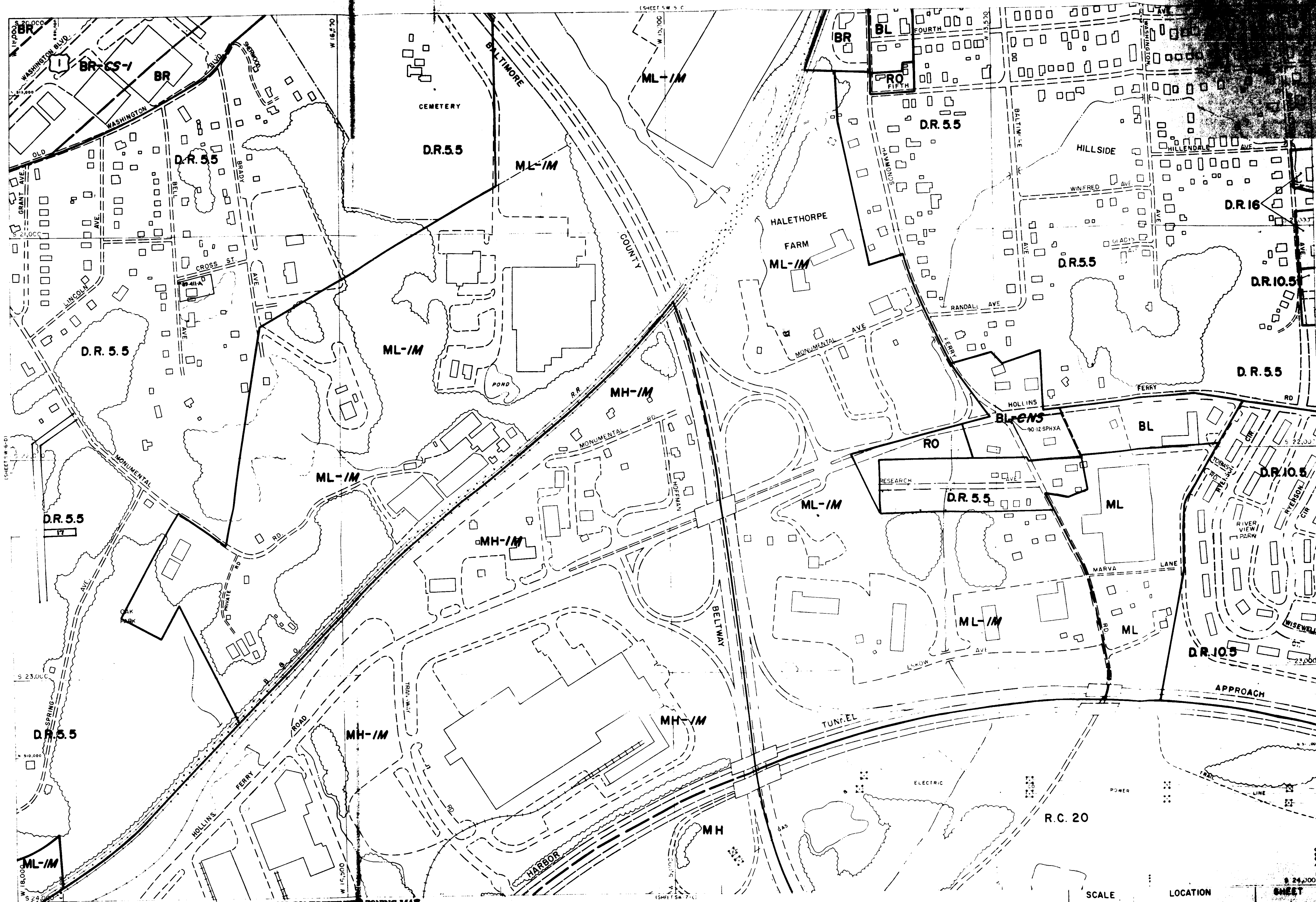
Sincerely,

Kenneth A. Queensberry
Kenneth A. Queensberry

Jane A. Queensberry
Jane A. Queensberry







1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Ord. 13, 1988
 Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION MONUMENTAL	SHEET S.W. S.C.
DATE OF PHOTOGRAPHY JANUARY 1986		

91-487-A

#501